

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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CHRISTOPHER ZEITO,

Petitioner,

-vs-

R.A. GIRDICH, Superintendent,

Respondent.

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**ORDER**

No. 03-CV-6663(VEB)

Before the Court is petitioner Christopher Zeito's "Written Objection," *see* Docket #12, to this Court's Order entered May 23, 2006, denying Zeito's petition for a writ of habeas corpus under 28 U.S.C. § 2254. *See* Docket ## 10, 11. The "Written Objection" is undated and was filed with the Court on June 12, 2006.

Because Zeito consented to final disposition of this matter by the undersigned pursuant to 28 U.S.C. § 636(c), *see* Docket #7, he is not entitled to file written objections to the Court's Order denying his habeas petition. *See* 28 U.S.C. §§ 636(b)(1); 636(c)(1). However, Zeito's proper remedy would be to seek review by the Second Circuit Court of Appeals of the Court's Order. The Court notes that on June 21, 2006, Zeito did file a notice of appeal with the Second Circuit Court of Appeals. Therefore, Zeito's "Written Objection" is now moot.

Accordingly, it is hereby **ORDERED** that petitioner's "Written Objection" (Docket #12) is denied as moot, in light of petitioner's filing of a Notice of Appeal with the Second Circuit Court of Appeals.

**IT IS SO ORDERED.**

*/s/ Victor E. Bianchini*

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VICTOR E. BIANCHINI  
United States Magistrate Judge

DATED: July 21, 2006  
Rochester, New York.